

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

<b>PATRICK BAILEY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>Case No.: 2:05-cv-1061-MEF-DRB</b>
	)	
<b>MILTOPE CORPORATION,</b>	)	
	)	
<b>Defendant.</b>	)	

**DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

Pursuant to Fed. R. Civ. P. 56, defendant Miltope Corporation moves for summary judgment as to each of the plaintiff's claims against it on the grounds that there is no genuine issue of material fact, and Miltope is entitled to judgment as a matter of law. In support of this motion, Miltope relies on the following:

1. The pleadings in this case.
2. Volumes I and II of the deposition testimony of the plaintiff, including the designated exhibits thereto as described in the evidentiary submission contemporaneously filed with this motion.
3. The declaration of Edward F. Crowell, with attached exhibits thereto.
4. A brief in support of Miltope's position, filed contemporaneously with this motion.

As the foregoing matters affirmatively and without dispute demonstrate, Miltope is entitled to summary judgment as a matter of law.

*s/ Heather F. Lindsay*

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*One of the Attorneys for Defendant*

*Miltope Corporation*

**CERTIFICATE OF SERVICE**

I hereby certify that on October 12, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

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